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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/170,423 10/15/98 DEICHMANN

N WW-8

EXAMINER

EXD2/0410

HENRY W CUMMINGS
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ST CHARLES MO 63301

THOMSON, M	
ART UNIT	PAPER NUMBER

3641

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DATE MAILED:

04/13/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/173,423

Applicant(s)

DEICHMANN ET AL.

Examiner

Michelle R Thomson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 1998.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 1998 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
 2. ☐ received in Application No. (Series Code / Serial Number) _____.
 3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892) 17) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 18) ☐ Notice of Informal Patent Application (PTO-152)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 19) ☐ Other: _____

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DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

2. The drawings are objected to because the drawings are replete with errors. The following are considered examples of and not inclusive of errors.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because numerous reference characters have been used to designate more than one object, for example: reference character "10" has been used to designate both accumulator and stop assembly.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include numerous reference sign(s) mentioned in the description such as: 112, 110, 106, 103.

The drawings do not contain Figure 2G

3. The informal drawings are not of sufficient quality to permit examination. Accordingly, new drawings are required in reply to this Office action.

Specification

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4. The disclosure is objected to because of the following informalities: 37 CFR 1.52 (b) states that the pages of the specification including claims and abstract must be numbered consecutively starting with 1, the numbers being centrally located above or preferably, below, the text.

Appropriate correction is required.

5. The abstract of the disclosure is objected to because it should be limited to a single paragraph within the range of 50 to 250 words. The abstract should not exceed 25 lines of text. Correction is required. See MPEP § 608.01(b).

6. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms that are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: "nlot" line 17 under section II, "cannor" line 1 under section I. These are considered examples of and not inclusive of the numerous spelling and grammatical errors contained in the specification.

7. The disclosure is objected to under 37 CFR 1.71, as being so incomprehensible as to preclude a reasonable search of the prior art by the examiner.

Applicant is required to submit an amendment which clarifies the disclosure so that the examiner may make a proper comparison of the invention with the prior art.

Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).

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Claim Objections

8. The numbering of claims is not in accordance with 37 CFR 1.75 (f) which requires the claims to be numbered consecutively in Arabic numerals.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1-50 rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification is replete with spelling and grammatical errors. The numerous errors render the application non-enabling. The following list is considered examples of and not inclusive of the errors rendering the specification unclear and inconcise.

“the the” in claim 1

“siad” in claim 25

“horizontel” and “verical” throughout the claims

11. Claims 1-50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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12. Claims 1-5 are replete with insufficient antecedent limitations. For example claims 25-46 recite the limitation "first valve means" in line 14. There is insufficient antecedent basis for this limitation in the claim.

13. Claims 1-50 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited. The errors contained within the specification and claims prevent the examination on merits of the application.

Conclusion

14. The meets and bounds of the claimed limitations are too indefinite to make a patentability determination based upon prior art at this time. If applicant continues to prosecute the application, revision of the specification and claims to present the application in proper form is required. While an application can be amended to make it clearly understandable, no subject matter can be added that was not disclosed in the application as originally filed.

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yost (U.S Patent # 1,190,356), Smith (U.S Patent # 2,094,854), Briggs (U.S Patent # 5,820,472), Allais et al. (U.S Patent # 5,056,409), Petermeier et al. (U.S Patent # 6,012,722), Blanchard (U.S Patent # 5,480,336), and Speights (U.S Patent # 2,940,466).

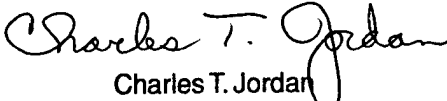
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle (Shelley) Thomson whose telephone number is 703.306.4176. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Jordan can be reached on 703.306.4159. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.0285 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.

Shelley Thomson
Art Unit 3641
4/4/00


Charles T. Jordan
Supervisory Patent Examiner
Group 3600